

Grant County Planning Commission

February 23rd, 2004

The February 23 2004 regular meeting of the Planning Commission was called to order by Vernon Webster at 7:00 p.m.

Those in attendance: Vernon Webster, Bill Marksberry, Marlon Kinsey, Nancy Duley, Marvin Faulkner, Tony Brewer, William Covington, Engineer: Tony Pangallo, Attorney: Tom Neinaber, Administrator: Jonathan Britt, Secretary: Becky Ruholl

There was a quorum present.

ITEM 1. JANUARY MINUTES

William Covington made a motion to approve the meeting minutes for January, Bill Marksberry seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

ITEM 2. JANUARY FINANCIAL REPORT

Marlon Kinsey made a motion to approve the January financial report, Marvin Faulkner seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

William Covington made a motion to approve the 2000-2001 Audit and the 2001-2002 Audit, Nancy Duley seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

ITEM 3. ADMINISTRATORS REPORT

Jonathan stated that there will be a training session on March 4th to discuss Census Data.

ITEM 4. BUDGET COMMITTEE REPORT

Tony Brewer made a motion to approve the Budget, Nancy Duley seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

ITEM 5: AMENDMENT- COMPREHENSIVE PLAN FUTURE LAND USE MAP - DRY RIDGE

Jonathan Britt read a letter dated January 8th, 2004 from the City of Dry Ridge requesting that the Commission review the 2001 Comprehensive Plan and the Future Land Use Map for the City for the area of the new connector road.

Jonathan explained that the changes were to the Dry Ridge Future Land Use Map and page 8-7. He said that the Land Use Map showed the area along Hwy. 25 to the new bridge as commercial and the phrase "and from downtown along US 25 to the new Dry Ridge Bypass Connector" was added to the paragraph concerning Dry Ridge Future Land Use on page 8-7.

Vernon Webster declared the public hearing open.

Vernon Webster asked if anyone wished to speak for or against the request.

No one spoke for or against the request.

Vernon Webster declared the public hearing closed.

Tom Neinaber stated that KRS requires that a change to the Comprehensive Plan be passed by a majority of the Commission; he said that all 7 Commission members present would be required to vote in favor of the change in order for it to pass.

William Covington asked if it was ok to consider the change without anyone from Dry Ridge being present.

Jonathan said that it is the job of the Commission to make changes to the Comprehensive Plan and the City requested that the Commission look at the changes to the City with the addition of the connector road.

Mr. Neinaber told the Commission that the zone was not changing only the designation of the property on the Land Use Map.

Tony Brewer asked what the property was being changed from to.

Jonathan said that the property was not changing from anything to anything. It was just setting a possible land use for the property along US 25 from the intersection of Hwy. 25 and Hwy. 22 to the new bridge. He said that the change is saying that this area is where the commercial development needs to take place in the future.

Tony Brewer said that 2 years ago when his property went into the City as Residential Jonathan said that there wasn't a zone to fit that area.

Jonathan said that that was true for that piece of property.

Tony Brewer asked if there was now a zone to fit the area.

Jonathan said that in the new Zoning Ordinance there is a zone that could fit the property and the Ordinance had been adopted by the County and would possibly be adopted by, Corinth and Crittenden.

Tony Brewer asked what was planned for the area in the middle of McCoy Road and US 25.

Jonathan said that that issue was off the subject but probably a PUD zone.

Tony Brewer asked if this was spot zoning.

Jonathan said that most the other properties in this area were zoned sufficiently according to the Comprehensive Plan.

Nancy Duley asked if they could table the item until more members could be present to vote of the issue.

Jonathan said that there were enough members present to vote and that this wasn't a drastic change to the Comprehensive Plan.

Marlon Kinsey asked if it was correct that this change was so that if a property owner in this area asked for a zone change that the finding of fact could be that the Comprehensive Plan says this area should be commercial.

Jonathan stated that was correct.

Tony Brewer asked if the McCoy house, which was located in this property, was to burn could it be built back.

Tom Neinaber said that it could.

Marvin Faulkner made a motion to approve the changes to the Comprehensive Plan and the Future Land Use maps for the City of Dry Ridge, William Covington seconded the motion. A hand vote was taken: Vernon Webster: yes, Bill Marksberry: yes, Marlon Kinsey: yes, Nancy Duley: yes, Tony Brewer: abstained. Abstained vote counts with majority. Motion passes 7 to 0.

ITEM 6: ZONE CHANGE - ELLIS PENNINGTON

APPLICANT: Ellis Pennington

GENERAL LOCATION: An approximate 1 acre area located on the North side of Sherman Mt. Zion Road, 1854 feet East of Dry Ridge Mt. Zion Road

REQUEST: Agricultural - One (A-1) to Residential - One (R1)

Vernon Webster declared the public hearing open and asked if all fees were paid and notices given. Staff replied that fees were paid and notices given.

Ellis Pennington stated that he was the executor of his mother's property which consisted of 33 acres with an existing home. He said that the request was to change the zone from A1 to R1 in order to sell the house and lot to his sister. He said that there would not be any new building or driveway and that the remaining land would be left agricultural.

Vernon Webster asked if anyone wished to speak for or against the request.

No one spoke for or against the request.

Jonathan read a letter from Kline Shipp stating that he had no objection to the zone change and supported the request.

Jonathan explained to Mr. Pennington that the new Zoning Ordinance would be in effect on Friday and there would no longer be a Residential One zone but that Residential One properties would be Residential One A and the difference would be that the R1 zone has a lot width of 125 feet and the R1A has a lot width of 150 feet. Jonathan said that this lot does meet those requirements.

Vernon Webster declared the public hearing closed.

Marvin Faulkner asked if the application should be changed since this zone was not going to be in the new Zoning Ordinance.

Jonathan said that it would not impact this lot because all of the R1 property would become R1A property and this lot meets the requirements of the R1A zone.

Jonathan read the staff recommendation which was approval of the zone change request because the proposal is in compliance with the adopted Comprehensive Plan. Findings in support of the recommendation are: 1. proposed development would encourage the use of viable agricultural property 2. The roadway is sufficient enough to handle the additional traffic that would be generated by the proposed development and would not put additional burden on the police and fire protection.

Nancy Duley made a motion to approve the request from Agricultural One to Residential One based on the finding of fact that the request is in agreement with the Comprehensive Plan, Marvin Faulkner seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

ITEM 7: ZONE CHANGE - TIM SHAFFER

APPLICANT: Tim Shaffer

GENERAL LOCATION: An approximate 9.3619 acre area located on the South side of Heathen Ridge Road, 78 feet West of Lanter Lane

REQUEST: Agricultural - One (A-1) to Residential - One (R-1)

Vernon Webster declared the public hearing open and asked if all fees were paid and notices given. Staff replied that fees were paid and notices given.

Tim Shaffer said that six months ago there was a zone change in this area and he did not speak against the request but he did speak about a feed lot that would be located directly across from that property. He said that just before he was going to start construction on the feed lot the zone change request came and the feed lot will now be across from 6 lots. He said that he has no animosity towards the county but that he must now reevaluate the feed lot. Mr. Shaffer said that the best thing for this lot was a feed lot but that the property was ideal for residential use. He said that he has 187 acres and is taking a small portion off of that and is proposing five lots and that some may be for his children. He said that there would not be growth on the lots immediately. Mr. Shaffer said that the lots are just under 2 acres and that contiguous to this property are 4 1-acre lots, 3- 1.7 acre lots and across the road are 6 new lots. He said that he is proposing Residential One and that it will be a respectable development. He said that the road might be brought up as an issue but with the alternative of a feed lot there would be a whole lot more traffic consisting of tractor trailers and there would be the feeding of cows and moving of manure from the lot. He said the road would also be used for the movement of cattle and he said that he doesn't see the road as an issue. Mr. Shaffer said that he had talked to all of the adjoining neighbors and every single one of them provided a letter of support. He said that he had also talked with everyone using the road and they had provided a letter of support. He said that there were 23 letters supporting this request and he had never seen so much support for a zone change. He said that he could do a feed lot but that it would not be practical. Mr. Shaffer said that there were 2 fire plugs not far from this property and he asked the Commission to consider that 23 households that would be immediately impacted by this request were in support of what he was asking for.

Vernon Webster asked if anyone wished to speak for or against the request.

James Coldiron - 265 Russell Flynn Road - said that he had lived on that road for 54 years and have driven the road for 38 years; he said that the road had always been the same and the width had not changed. He said that the roads should have been looked into years ago and that they should not be an issue. He said that the security issue should not be a problem because he said that the security alarm went off on a house that was 1.5 miles from him and there was always a deputy or a State Trooper to the house within 5 or 10 minutes. He also said that the Sheriff owns property at the end of his road. Mr. Coldiron said that he was in favor of the zone change.

Bob Scroggins - 2315 Lemon Northcutt Road - said that he thinks in this day and time that if a man has land and has paid for it that he should be able to do what he wants and that the roads should have been a priority before the growth. Mr. Scroggins said that he was in favor of the zone change.

Tim Shaffer said that he had worked with the Health Department and they had tested on the worst area of the property and that it did pass for standard septic systems.

Jonathan read letters from Dwight Harvey - 1760 Sherman Newton Road, James Coldiron - 265 Russell Flynn Road, Jerry Sponcil - 1645 Sherman Newton Road and Jerry Feagan - 2310 Lemon Northcutt Road stating that they were in favor of granting the change in zoning.

Tom Neinaber said that if all the letters were the same that all of them did not have to be read.

Mr. Shaffer said that he personally did not initiate the letters and he said that the letters were similar and all of them did not have to be read. He asked the Commission to remember that each of the 23 letters represented a household in favor of the request.

Vernon Webster declared the public hearing closed.

Tom Neinaber said that all 5 lots would not meet the width requirements of the R1A zone.

Jonathan said that they could request a Dimensional Variance if the zone change was approved.

Mr. Shaffer said that he could condense some of the larger lots and add land to meet the 150 ft. requirement.

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Logan Murphy asked if they could amend the application.

Jonathan said that there options were: 1. add land to make the lots meet the requirement, 2. request a Dimensional Variance, 3. file a new zone change request to R1B which allows for 125ft. lot width at no charge.

Logan said that they would like for the zone change to proceed and they would decided on whether to request a Dimensional Variance or another zone change.

Jonathan read the staff recommendation, which was denial of the zone change request because the proposal is not in compliance with the adopted Comprehensive Plan. Findings in support of this recommendation are: 1. Proposed development does not encourage the use of viable agricultural property. 2. the roadway is not sufficient enough to handle the additional traffic that would be generated by the proposed development. 3. there would be a significant burden to provide adequate police and fire protection to the proposed development. 4. the proposed zone change request does not implement the minimizing of the proliferation of septic systems. 5. the Comprehensive Plan does take into consideration the difference between agricultural divisions and residential development and they are not the same as described by the applicant and does make specific criteria available in establishing good residential development.

Mr. Shaffer said that there were 23 people that disagree and this request is what they want.

Nancy Duley asked what the applicant options were since there would not be an R1 zone.

Jonathan said that they could get a Dimensional Variance, Reapply and request the zone that allows 125ft. lot width or add more land to make the lots meet the 150ft. lot width requirement.

Tom Neinaber said that the Commission could put a condition on the zone change that the lot width be 150ft.

Mr. Shaffer said that he lives there and is willing to do whatever the Board recommends. He said that he would be glad to get the 150ft. lot width. He said that he could cut off some of the property from the rear and make the lots wider.

Nancy Duley said that her concern with the lots being shorter is that there wouldn't be enough room for the septic systems.

Mr. Shaffer said that there would be plenty of room for the septic systems.

Logan Murphy said that the Commission didn't need to put a condition on the property; he said that the lots would have to meet the 150ft. width before a plat could be signed.

Jonathan said that the condition would eliminate the option for a Dimensional Variance.

Tony Brewer made a motion to approve the request because it is in agreement with the Comprehensive Plan with the condition that the lot width at the building setback line be 150 feet, Bill Marksberry seconded the motion. A hand vote was taken Tony Brewer: yes, Bill Marksberry: yes, Marlon Kinsey: no, Nancy Duley: yes, Marvin Faulkner: no, William Covington: yes. Motion passes.

ITEM 8. AVALON PHASE 2 - PERLIMINARY PLAT

William Covington made a motion to table the plat because the applicant was not present, Marlon Kinsey seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

ITEM 9. ELLEN KAY ESTATES - FINAL PLAT

Tony Pangallo read a letter from Erpenbeck Engineers recommending approval of the plat with a note that a \$50,000 bond be posted and approved by Mr. Neinaber for the improvements.

Tom Neinaber said that there is a letter from the Bank of Kentucky stating that there is in escrow \$50,000. Mr. Neinaber said that his only concern with the letter is that it expires on June 18th 2004 even if the improvements are not complete.

Kathryn Osborne said that the only reason that they had not started on the improvements was that the City was working on the water and sewer and they had asked that they stay out of the area until they were finished.

Marvin Faulkner asked if this was the Subdivision where there were questions on the grade of the street.

Mrs. Osborne said that the Engineer had reviewed and approved the grade.

Tom Neinaber said that the Commission can approve the plat with the bond letter if they feel that the improvements would be complete in 120 days.

Tony Pangallo said that the work that needs to be done should only take about a week.

Tom Neinaber said that the Commission could approve the plat with the condition that the Bank of Kentucky issues a new bond stating that the funds would be held until Mr. Erpenbeck has inspected and certified that the work has been completed as required.

William Covington made a motion to approve the plat with the condition that the Bank of Kentucky issues a new bond stating that the funds would be held until Mr. Erpenbeck has inspected and certified that the work has been completed as required, Marvin Faulkner seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

ITEM 10: CONVEYANCE PLATS - JANUARY

Bill Marksberry made a motion to approve the list of conveyances, Nancy Duley seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

ITEM 11: EXECUTIVE SESSION

none

ITEM 12: OTHER BUSINESS

Jonathan stated that the office needed to get copies of the new Zoning Ordinance and the Comprehensive Plan and this would exceed the \$500 dollar limit that can be spent without prior Commission approval. He said that an approximate price would be \$947.43 for 100 Zoning Ordinances and \$326.75 for 25 Comprehensive Plans.

Marvin Faulkner made a motion approve having copies made, William Covington seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

ITEM 13. ADJOURNMENT

William Covington made a motion to adjourn, Bill Marksberry seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

JOHN LAWRENCE, CHAIRMAN - DATE

NICK KINMAN, SECRETARY - DATE